



# Nixon Peabody's Legally Green Initiative

GreenGov Symposium  
Washington, DC  
October 6, 2010



NIXON PEABODY<sub>LLP</sub> legally green<sup>®</sup>  
ATTORNEYS AT LAW

# Nixon Peabody's Three Pronged Leadership



# Why Did Nixon Peabody “Go Green?”

- **Environment:** We need to do our part to address climate change
- **Retention:** In keeping with our “best place to work” philosophy
- **Recruiting:** Law school grads and laterals want to work in a sustainable workplace
- **Business:** We and our clients share similar values and concerns
- **Costs:** One-firm approach promotes efficiency, consistency among offices

# Nixon Peabody's Three Pronged Leadership

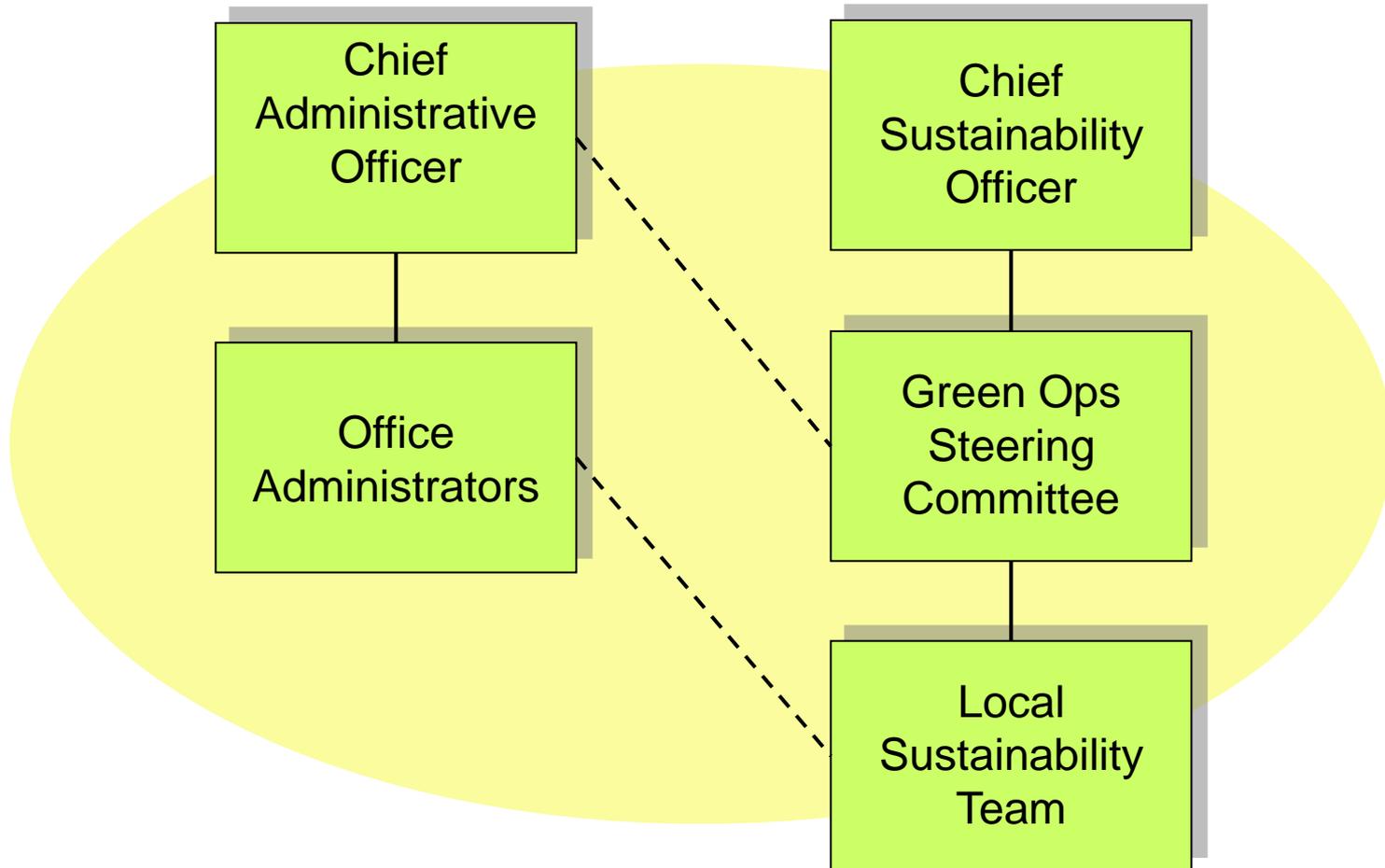


# Implementing the **Legally Green** Initiative

- **Initiate**
  - Commitment from management
  - Appoint Chief Sustainability Officer
  - Establish “Green Ops” and Local Sustainability Teams
    - Involve appropriate service areas
    - Encourage participation at all levels
  - Benchmark
- **Implement**
  - Identify priorities & goals
  - Establish policies & procedures
  - Communicate with stakeholders
- **Institutionalize**
  - Measure & report
  - Ensure ongoing adherence to commitments



# Nixon Peabody Internal Sustainability Structure



# Green Ops Steering Committee

- Membership
  - Chief Sustainability Officer
  - Chief Administrative Officer
  - Director of Purchasing
  - Three Office Administrators
  - Business Development Manager
  - IT's Local Operations Director
  - Finance Reporting Manager
- Meets monthly via conference call
- Separate calls for major projects
- Frequent email communication



# Growing a Green Firm

- Priority Areas
  - Construction
  - Purchasing
  - Paper Reduction
  - Waste Reduction & Recycling
  - Travel & Commuting
  - Energy Conservation
  - Education & Outreach
- Standards and Guidelines
  - ABA/EPA Law Office Climate Challenge
  - Bar Association Guidelines

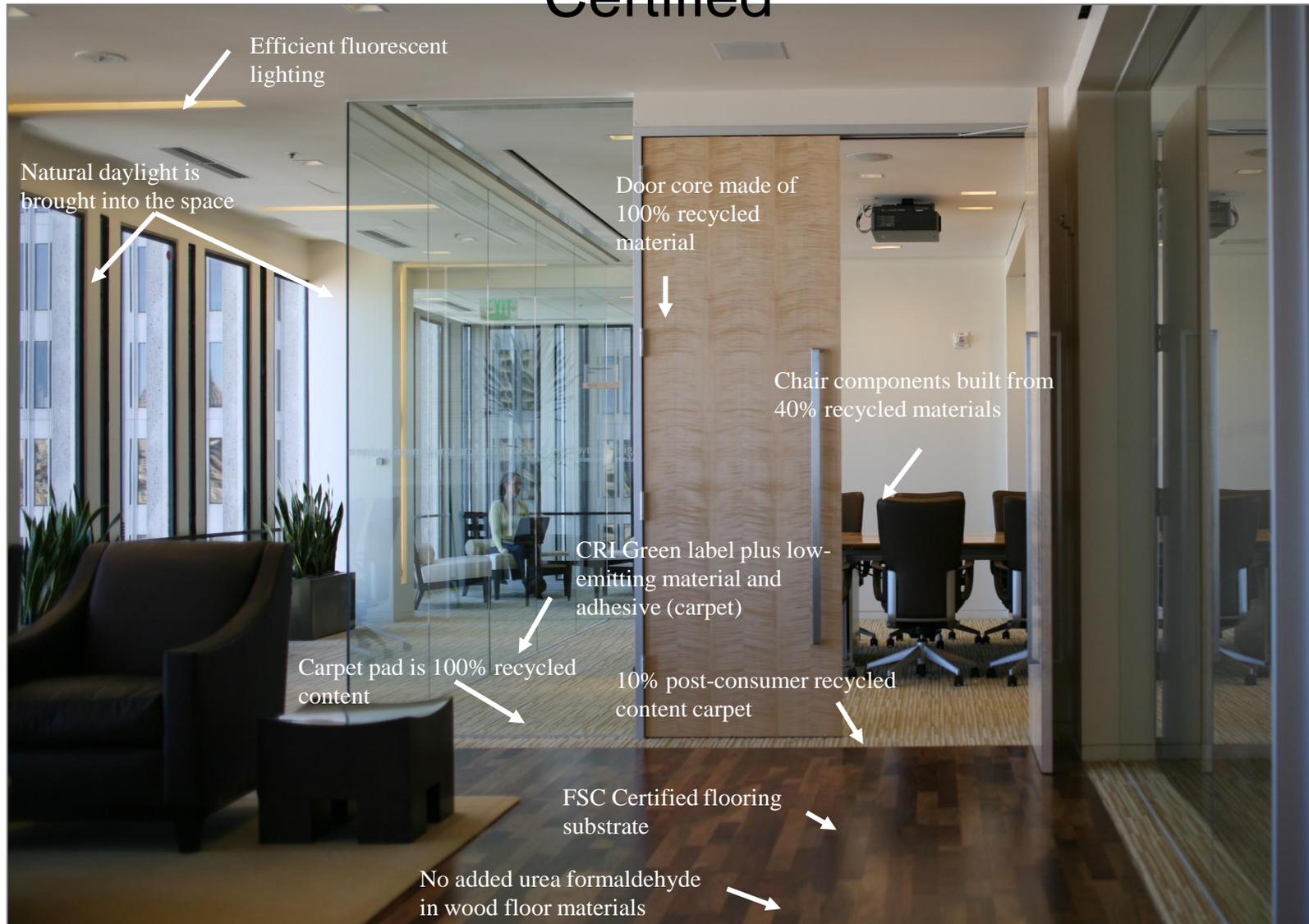


# Construction

- Where feasible, apply for LEED® certification for major construction projects
  - San Francisco – 1st law firm to be LEED certified for “commercial interiors” category
  - Albany – LEED Silver certification
  - New York City – LEED Silver certification
  - Chicago – LEED Gold certification
- Use sustainable building practices for other projects (e.g, re-use furniture, low-VOC paints, upgrade lighting)
- Nixon Peabody is a member of the US Green Building Council (USGBC)
- Jeff Lesk, partner, is a LEED accredited professional (LEED AP) & participates in USGBC legal working group



# Nixon Peabody's San Francisco Office – LEED Certified



# Chicago Office: LEED® Gold

## Green features & design elements

- Daylight harvesting system & light sensors
- Energy Star-rated appliances
- Reduced water and energy consumption
- GreenGuard® certified furniture
- Built-in recycling containers in all public areas

## Construction

- Recycled more than 95% of construction waste
- Low VOC (Volatile Organic Compound) paint
- Formaldehyde-free materials
- Sustainable bamboo paneling
- Recycled content fabrics

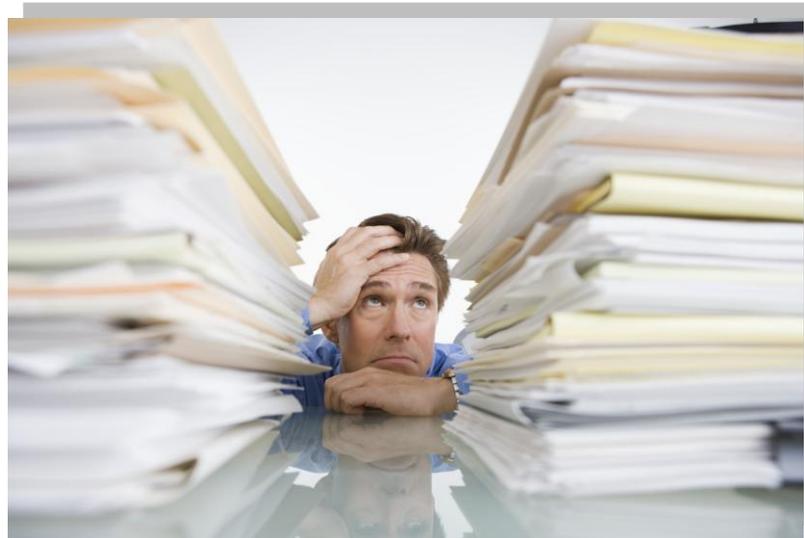
## Beyond our Space

- Building services utilize green cleaning supplies



# Paper Reduction

- Set copiers to default double-sided; lease components that enable duplex copying
- Encourage use of both sides of paper for drafts and lengthy documents
- Electronically route documents through office
- Eliminate banner pages
- Scan and save e-mails and documents rather than printing
- Use internet court and agency filing procedures



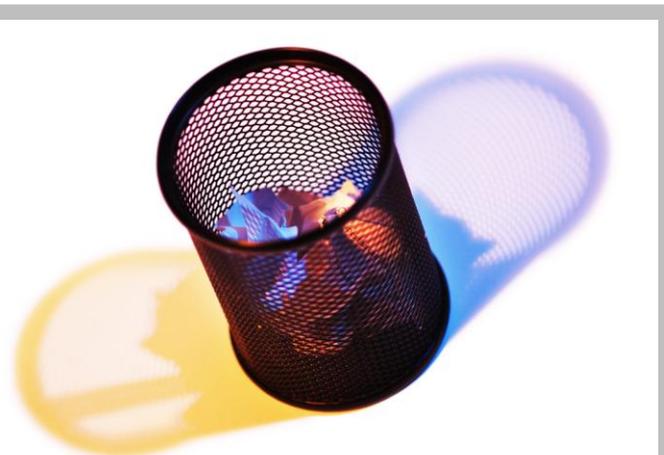
# Purchasing

- Paper (including legal pads, letterhead, envelopes) with a minimum of 30% post-consumer recycled content
- Energy Star office equipment & appliances
- Non-toxic, biodegradable cleaning supplies
- Preference to vendors that use sustainable practices
- Remanufactured cartridges for laser printers



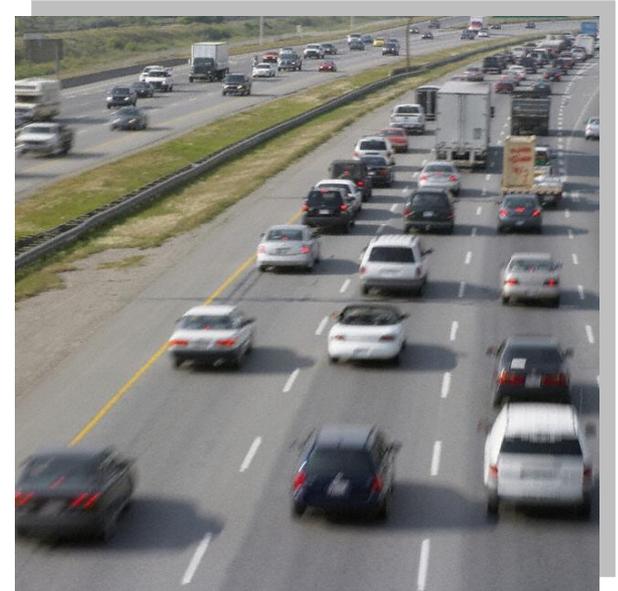
# Waste Reduction & Recycling

- Pilot user of the Xerox [ColorQube™](#) solid ink technology -- 90% less waste than a typical color laser product
- Minimize use of bottles and cans
- Provide ceramic dishes and silverware instead of paper goods
- Provide recycling bins in work stations, conference rooms and common areas
- Reuse old office equipment and furniture
- Recycle PCs, batteries, cell phones
- Collect and reuse old binders, file folders, binder clips, labels, etc.
- Use labels and signage to encourage sustainable practices



# Travel & Commuting

- Implement policy regarding rental of fuel efficient vehicles
- Favor use of hotels with sustainable practices
- Reduce the need for business travel through flex-place policies, teleconferencing
- Provide benefit for using public transit (e.g., pre-tax; green-jean Fridays)
- Encourage use of public transportation, carpooling and sustainable car services
- Bike-share program (purchase bicycles that can be used by all personnel)



# Energy Conservation

- Install motion-detector lighting; use light-harvesting
- Establish policy requiring computers to be turned off at the end of each day, followed by auto-shutdown
- Turn copy machines and printers off or to standby mode at end of each day
- Purchase credits to offset energy use in offices and/or at large functions
- Use compact fluorescent light bulbs
- Ask utility for energy audit; share results with landlord



# Education & Outreach

- Join local sustainability team
- Provide access to information & resources (e.g., intranet site; sustainability fair)
- Use Legally Green email signature
- Implement sustainable practices at work and home

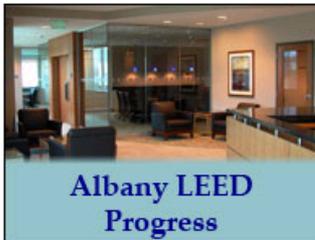


...Then take your ideas to the community and entities you do business with!



### Green Initiative News

- CSO Update - Earth Day '09
- CSO Update - 6/08
- CSO Update - 4/08
- CSO Update - 3/08
- CSO Update - 11/07
- Message from Chairman Harry Trueheart - 11/07



### Photo Tours



#### Welcome to the Legally Green MySite page!

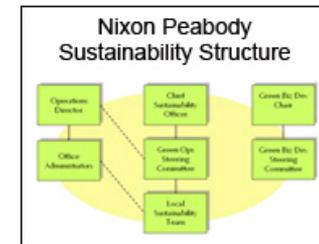
We are pleased to provide this site as a "one stop shopping" location for news and information about the firm's internal sustainability efforts. This is where you can learn about new policies and procedures intended to reflect our emphasis on sustainability; hear about efforts to promote our sustainability efforts externally; pick up tips on how to reduce your energy consumption at the office and at home; and learn about efforts to partner with clients who share our goals to advance sustainable principles.

Although the "Legally Green" program is separate from our external efforts to develop business from clients in the areas of renewable and alternative energy solutions, clean technologies, and those involved with financing and regulating those industries and operations, the internal and external efforts are complimentary to each other. With that in mind, you will also find information on this site about events we are sponsoring or speaking at to develop external thought-leadership, Alerts we send to clients, and relevant brochures and fact sheets to promote our practices.

In November 2007, Nixon Peabody launched the Legally Green initiative by appointing Carolyn Kaplan as the first Chief Sustainability Officer in a U.S. law firm. The purpose of our initiative is to establish and implement sustainable office practices consistent with the firm's overall commitment to provide excellent legal services to clients. We recognize that all human activity, including the operation of a law office, has an impact on the environment and the natural world. Within the firm we make daily choices that can either reduce or increase that impact. By modifying our daily activities and practices, working with clients in green industries such as renewable energy, green building, and Cleantech, and sharing our experiences through our "thought

### Marketing Materials

- + Alerts
- + Hot Topics



### Biz Dev Materials

- Fact Sheet: Cleantech
- Fact Sheet: Wind Power
- Green, Cleantech and Renewables
- Practice: PPT
- Legally Green: Brochure
- Legally Green: PPT

### Companies Go Green

Bill Kelly (BOS) and Richard Neely (SFO) recently closed a Series C venture finance for Nixon Peabody client

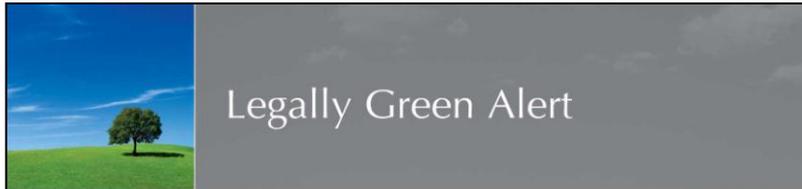
# Bar Association Sustainability Guidelines and Challenges

- ABA Model Law Firm Sustainability Policy Project  
(completion of pilot phase)  
<http://www.abanet.org/environ/committees/climatechange/>
- Oregon Lawyers for a Sustainable Future  
<http://www.earthleaders.org/olsf>
- ABA-EPA Law Office Climate Challenge  
<http://www.abanet.org/environ/climatechallenge/home.shtml>
- Massachusetts Bar Association Lawyers Eco-Challenge  
<http://www.massbar.org/about-the-mba/initiatives/lawyers-eco-challenge>
- State Bar of California Eco-Pledge and Law Office Sustainability Policy  
[http://calbar.ca.gov/state/calbar/calbar\\_generic.jsp?cid=10144&n=93887](http://calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10144&n=93887)

# Nixon Peabody's Three Pronged Leadership



# Thought Leadership: Alerts



**Legally Green Alert**

A publication of Nixon Peabody LLP

APRIL 8, 2009

**LEED® 2009: Keeping track of evolving green building standards and legal issues**

By Elaine Esfahani, Carolyn S. Kaplan and Richard A. Mace

As green building standards evolve and are incorporated into everything from regulatory requirements to lender criteria to tax credits, project proponents must keep current on standards and protocols and ensure proper documentation of expectations and understandings. This *Alert* summarizes upcoming changes to the LEED® Green Building Rating System, the most widely accepted national standard, and describes some of the legal issues that can arise when building green.

**LEED 2009**

The most widely recognized measure for defining a "green building" is the Leadership in Energy and Environmental Design (LEED) certification, developed by the U.S. Green Building Council (USGBC). On April 27, 2009, USGBC is expected to launch its next version of LEED: LEED Version 3 (v3) or LEED 2009.

The USGBC is a nonprofit organization with leaders from every sector of the building industry, including builders, architects, academics, engineers, and attorneys. USGBC established the LEED Green Building Rating System—a voluntary, consensus-based standard—to support and certify successful design, construction, and operation of high-performance green buildings. The standards cover a variety of commercial and institutional building applications, including new construction, existing buildings (operation and maintenance), commercial interiors, core and shell projects, and schools. Additional rating systems are under development for retail and health care.

The LEED Green Building Rating System is a point-based system that covers key categories, including sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and the innovation and design process. Depending on the number of points they accrue, buildings can achieve different levels of certification, including LEED certification, and silver, gold, and platinum achievement levels.

<sup>1</sup>LEED® is a registered trademark of the U.S. Green Building Council.

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**Energy Alert**  
Recent developments in energy law

A publication of Nixon Peabody LLP

DECEMBER 14, 2005

**Environmental Alert**  
Recent developments in environmental law

JANUARY 2005

**Cleantech Alert**  
Up-to-date developments in clean technology

A publication of Nixon Peabody LLP

**Supreme Court's EPA decision is likely to hasten federal global warming legislation**

The Supreme Court's April 2 decision in *Matsushita et al. v. Environmental Protection Agency* (EPA) is being greeted as a major victory in the fight against global warming. The suit was brought by Massachusetts, California, and 10 other states, some local governments, and private organizations after the EPA denied a petition asking it to begin regulating greenhouse gas (GHG) emissions. In a 5-4 split decision, the court held that carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons are "air pollutants" that Section 202 of the Clean Air Act requires the EPA to regulate by prescribing emissions standards for new motor vehicles.

Although the court discusses the causes and effects of global warming at some length in the context of determining the petitioners' standing to bring suit, the scope of the decision itself is narrow. The EPA will not be required to adopt standards for GHG emissions if it determines that they "do not contribute to climate change" or that there is a profound "scientific uncertainty" of such causation. Even if regulation is required, the same policy considerations the EPA raised in denying the rulemaking petition (such as that EPA regulation might hamper the president's ability to persuade developing countries to reduce GHG emissions) may continue to inform its action.

On another front, a number of states have been awaiting EPA action on a petition for waiver filed by California to obtain federal government authorization to implement its own vehicle-emission regulations, which were adopted in 2005. Considered among the toughest in the world, the California rules would cut emissions from cars and light trucks by 25 percent and from sport utility vehicles by 18 percent beginning in 2009. Under the Clean Air Act, California was granted the right to set separate emission standards, provided the EPA issued a waiver stating that the rules complied with the law. Other states can then adopt such standards, and 11 other states have already done so.

Ultimately, regulation of GHG emissions is most likely to come from Congress and affect all sectors of the U.S. economy that contribute to air pollution. At least one bill currently pending in Congress, the Global Warming Pollution Reduction Act, proposes to adopt emission standards for new vehicles. New legislation also proposes limits on emissions by electric utilities and other industries. The auto industry's response to the Supreme Court's decision has been to call for a single federal, economy-wide approach to addressing GHGs. Congressional action would likely supersede state regulation and, at the same time, make it unnecessary for advocates of GHG emission standards to pursue regulation under the Clean Air Act.

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# Thought Leadership: Legal Trades

## How One Law Firm Went Green

Nixon Peabody's new San Francisco office became environmentally friendly without breaking the bank.

By JEFFREY S. LESEK

The first thing you notice when you walk off the elevators is the extraordinary wood flooring. You know that something different is supposed to be going on here—something "green."

Nixon Peabody is one of the first law firm offices in the country applying for environmental certification from the U.S. Green Building Council under its program for Leadership in Energy and Environmental Design, but you're not yet really sure what the certification means. So you focus on the first thing that catches your eye in the firm's new San Francisco office, something that might give you some clue as to what sustainable building is all about.

As it turns out, you're right to have noticed the wood floors. They're made of Forest Stewardship Council-certified orchard wood. The wood for the floors in each of the elevator banks and in the reception area is from old California walnut orchards that have finished their mission of bearing fruit. You may have noticed that the lighting in the stairwell is soft and soothing, but what you didn't realize is that the overall lighting design in the elevator foyer and throughout the office uses low-wattage and high-efficiency bulbs.

You proceed from the elevator well to the main reception area, hoping to finally get the green message. But rather than an interior you suspected would somehow look either earthy or futuristic, what immediately catches your eye is the 150-foot stretch of panoramic views of San Francisco landmarks and sweeping vistas of the San Francisco Bay. The walls in the reception area and adjacent conference rooms are made of clear glass, allowing natural light from outside to flow through the reception and conference areas. One thing that does cross your mind is that you wouldn't have to turn on many lights during the day around here.

You see that the biggest lesson Nixon Peabody learned in deciding to "green" (yes—it's also now a verb) its new San Francisco office is that the line between good design and sustainable design doesn't have



to stand out like a green thumb. The more we

## Walking the Green Walk

Carolyn Kaplan leads the way to an environmentally sustainable future at Nixon Peabody.

These days every law firm seems to talk the talk about "going green," but Nixon Peabody wanted action. So last November, the firm named Carolyn Kaplan, a counsel in the firm's Boston office, as chief sustainability officer.



Kaplan looks for ways to make the firm's own operations more environmentally friendly and for opportunities to work with clients on sustainability efforts. She also co-chairs the renewable energy team in the firm's energy and environmental practice group.



CAROLYN KAPLAN

### What do you do as chief sustainability officer?

My primary role internally is to work with our chief administrative officer, Mary McGuire, and a firmwide Green Operations Steering Committee. This committee consists of eight people—myself, Mary, four office administrators from around the firm, the director of local IT operations, and the firm's director of purchasing. We have conference calls once a week, lasting an hour and a half. And we e-mail frequently.

Throughout the firm, we've created local sustainability teams, comprised of volunteers—both attorneys and staff—who are interested in these kinds of issues, as well as managers from library, accounting, IT, and food services. The purpose of the teams is to identify within their own offices areas where we can improve sustainability. And they report up, through their meeting minutes, to the Green Operations committee. We review those minutes and determine which ideas can be implemented firmwide.

### What kinds of ideas does this committee discuss?

The Green Operations committee has identified seven priority areas: education and outreach, purchasing, paper

reduction, waste reduction and recycling, construction, travel and commuting, and energy conservation.

For example, we've decided to use 30 percent recycled content paper firmwide. We'd like to go higher than that in the future—50 percent, 100 percent. But higher recycled content is more expensive so we're trying first to achieve

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BUILDING GREEN: A Roundtable Discussion

### GUEST PANELISTS:

PAUL D'ARELLI  
Shareholder, Greenberg Traurig, LLP

JOSEPH WALLWORK  
Vice President, Strategy, LLC

JEFFREY S. LESEK  
Partner, Nixon Peabody LLP

SALLY R. WILSON  
Global Director of Environmental Strategy,  
Director of Advisory Services, GE Renewable Energy Group, Inc.

**MR. CORRIGAN:** Good morning. The *New York Law Journal* and *The National Law Journal* have the distinct pleasure of hosting this morning's roundtable on building green.

Joining me today are Sally R. Wilson, Global Director of Environmental Strategy from CB Richard Ellis; Jeffrey S. Lesek, Partner and Sustainability Practice Group Leader with Nixon Peabody; Paul D'Arelli, a Partner and Shareholder at Greenberg Traurig; and Joseph Wallwork, Vice President of Strategy, LLC.

Thank you for joining us today. The first question I have for the panel this morning is how did you get involved in the green building movement?

**MS. WILSON:** I'm the Global Director of Environment Strategy for CB Richard Ellis and I'm also a Senior Vice President in the brokerage side, primarily representing tenants. I became involved in the green building movement about four years ago and it was so apparent to me that buildings had an incredible impact on the environment and an incredible opportunity for us as brokers and with the client.

So that was part of why I got involved with it. It also was a real need to make a commitment to CO2 reduction to reduce energy usage and, to a whole variety of other sustainability and environmental goals in buildings.

**MR. LESEK:** I'm Jeff Lesek, Peabody in Washington, D.C. cover working largely in the national real estate development and finance. The majority of the projects that I've worked on have involved some sort of socially oriented development—generally in the areas of affordable housing, historic preservation and community development—

involving building and development. I'm really proud of the work that I've done and that my firm and others in the affordable housing and community development industries have done on these great projects, but the more I learned about the impact of buildings on the environment, the more of a dilemma I had.

Studies have generally shown that the construction and operation of buildings accounts for approximately 40% of energy consumption, landfill waste, and consuming carbon, not to mention the mass amounts of water that buildings consume.

So the dilemma for me has been how to reconcile our socially responsible work with the negative impact buildings have on the environment. For me, that reconciliation has taken the form of doing everything I can to make sure that affordable housing and community development generally—is developed and operated in a way that adds sustainability to the other important social purposes. So that's how I got into green development, but my involvement continues to expand.

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opment owned on the owner/developer side securing development entitlements. The impetus for my involvement in the green building movement was really a responsive one in that our clients were starting to encounter questions from local governments as we were coming in for major project approvals asking them if they would consider "greening" these projects by participating in the Leadership in Energy and Environmental Design ("LEED") program.

I thought the best way to get educated on green building was to be able to counsel clients on green building matters was to begin by thoroughly understanding the LEED rating process to become a LEED Accredited professional (LEED AP) and was actually the first attorney in Florida to do so. That accreditation really was the tip of the iceberg on the green building learning curve but it served as a very interesting jumpstart for my career in the green building arena.

I, like Jeff, now have a significant commitment to continue to develop this green and sustainability practice. With the size and diversity of the firm that we are at Greenberg Traurig, I am fortunate to have



A Roundtable Discussion



# Thought Leadership: Conferences and Speaking



**Green Homes and Sustainable Communities 2007:**  
The Annual National Symposium on  
Green Affordable Housing & Community Development

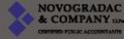


**Green Homes & Sustainable Communities:**  
*The changing landscape for financing, developing,  
and managing green affordable housing*



**Financing Wind Power:  
The Economics of Energy**  
September 9, 2008  
Scottsdale, AZ

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**Financing Solar Energy**  
May 21–22, 2009  
Hotel Monaco  
Alexandria, Virginia



# Organizations, Board Memberships, Affiliations

## National Organizations

- American Council on Renewable Energy (ACORE)
- American Wind Energy Association (AWEA)
- Cleantech Venture Network
- Conservation International
- Design Standards Drafting Committee (LEED)
- Global Green USA
- Solar Energy Industries Association (SEIA)
- U.S. Green Building Council (USGBC)



## Local Organizations

# Nixon Peabody's Three Pronged Leadership



# Green Client Service

## Examples of Relevant Legal Disciplines

- Cleantech
- Renewable Energy
- Green Building & Sustainable Design
- Environmental & Regulatory
- Real Estate, Zoning, Land Use
- Climate Change
- Public and Project Finance
- Tax Credits



# Green Pro Bono

- Advised a non-profit housing organization on use of renewable energy tax credits to fund a solar power installation
- Assisted battered women's shelter to transform its facility into a "green" environment
- Advised Foundation for a Green Future, an organization devised to provide green roofs to urban housing sites
- Assisted Community Conservancy International with production of The Green Solution Project Report
- Advised in transaction that will bring affordable renewable energy to community group end users



# Our Green Marketing Materials



I need lawyers who know that being green takes more than recycling old ideas.

Nixon Peabody understands the need for innovation and creativity when it comes to climate change. Across the country, we're helping our clients build wind farms, finance geothermal and solar projects, and create an amazing variety of sustainable, eco-friendly products and services. And, of course, we're practicing what we preach by building LEED-certified offices, greening our supply chain, saving water, and reducing emissions. Learn more at [www.nixonpeabody.com/legallygreen](http://www.nixonpeabody.com/legallygreen).

NIXON PEABODY, legally green ATTORNEYS AT LAW

Nixon Peabody LLP • 437 Madison Avenue • New York, NY 10177-3600 • The person depicted in this ad is an actor depicting a fictional event.



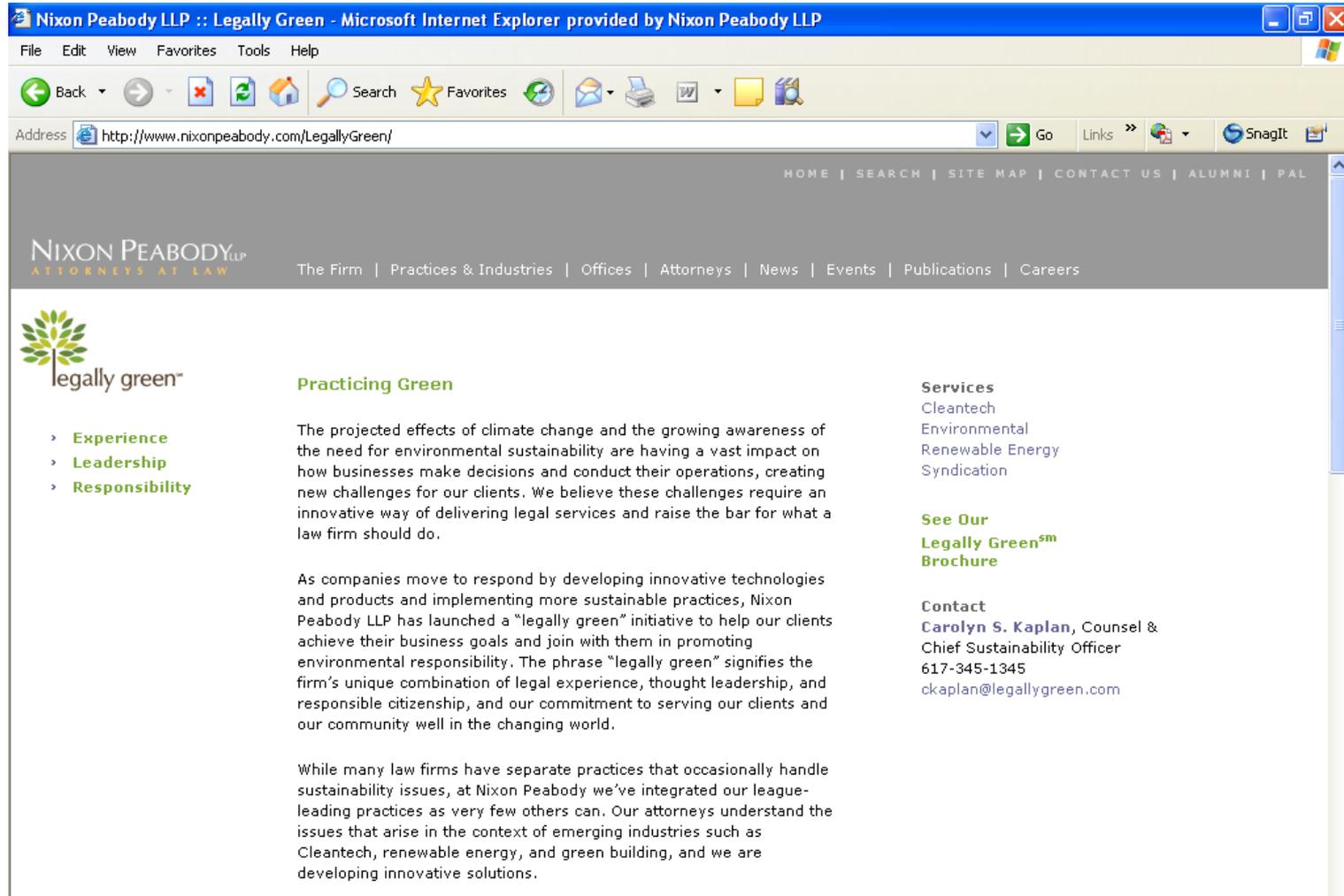
**NIXON PEABODY LLP** legally green

Lawyers who know that being green takes more than recycling old ideas.



# Our Website

## www.nixonpeabody.com/LegallyGreen



The screenshot shows a Microsoft Internet Explorer browser window displaying the Nixon Peabody LLP website. The address bar shows the URL <http://www.nixonpeabody.com/LegallyGreen/>. The website header includes navigation links: HOME | SEARCH | SITE MAP | CONTACT US | ALUMNI | PAL. The main content area features the Nixon Peabody LLP logo and the "legally green" sub-brand logo. A navigation menu lists: The Firm | Practices & Industries | Offices | Attorneys | News | Events | Publications | Careers. The "legally green" section is titled "Practicing Green" and contains three paragraphs of text. To the right, there are sections for "Services" (Cleantech, Environmental, Renewable Energy, Syndication), "See Our Legally Green<sup>SM</sup> Brochure", and "Contact" information for Carolyn S. Kaplan, Counsel & Chief Sustainability Officer, with phone number 617-345-1345 and email ckaplan@legallygreen.com.

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**legally green<sup>SM</sup>**

- › Experience
- › Leadership
- › Responsibility

### Practicing Green

The projected effects of climate change and the growing awareness of the need for environmental sustainability are having a vast impact on how businesses make decisions and conduct their operations, creating new challenges for our clients. We believe these challenges require an innovative way of delivering legal services and raise the bar for what a law firm should do.

As companies move to respond by developing innovative technologies and products and implementing more sustainable practices, Nixon Peabody LLP has launched a "legally green" initiative to help our clients achieve their business goals and join with them in promoting environmental responsibility. The phrase "legally green" signifies the firm's unique combination of legal experience, thought leadership, and responsible citizenship, and our commitment to serving our clients and our community well in the changing world.

While many law firms have separate practices that occasionally handle sustainability issues, at Nixon Peabody we've integrated our league-leading practices as very few others can. Our attorneys understand the issues that arise in the context of emerging industries such as Cleantech, renewable energy, and green building, and we are developing innovative solutions.

**Services**  
Cleantech  
Environmental  
Renewable Energy  
Syndication

**See Our Legally Green<sup>SM</sup> Brochure**

**Contact**  
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ckaplan@legallygreen.com

# Nixon Peabody's Three Pronged Leadership





# Thank you!

**Richard C. Gibson**  
Regional Office Administrator  
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